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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,448	08/21/2001	John Bunda	5226-02600	7045

7590 07/12/2006
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EXAMINER

AKINTOLA, OLABODE

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,448

Applicant(s)

BUNDA, JOHN

Examiner

Olabode Akintola

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 21 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/9/02; 2/3/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3 and 6-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Anaya et al. (U. S. Patent Application No. 20030046035) (Anaya)

Re claims 1, 3 and 6-10: Anaya teaches a computer-implemented method of providing a trader with one or more securities quotes comprising: storing one or more quotes for a security in a memory of a computer, wherein each quote comprises a price and a trading direction; receiving market summary update information comprising a quote update for the security, wherein the quote update comprises a price and a trading direction; comparing the quote update and the quote stored in the memory of the computer via a first criterion; wherein the first criterion is met if: for a bid quote, the price of the quote stored in the memory of the computer is greater than the price of the quote update, or for an ask quote, the price of the quote stored in the memory of the computer is less than the price of the quote update; and modifying the quote stored in the memory of the computer if the first criterion is met (section [0176]-[0177]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2, 11, 12, 15-25, 28-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anaya in view of Xian et al. (U. S. Patent No. 6327584) (Xian).

Re claims 2, 11, 12, 15-25, and 28-36: Anaya is discussed above. Anaya does not explicitly teach the step wherein the quote update comprises a timestamp; comparing the quote update and the quote stored in the memory of the computer via a criterion; wherein the criterion is met if: the timestamp of the quote update minus the timestamp of the quote stored in the memory of the computer greater than a predetermined threshold time; and modifying the quote stored in the memory of the computer if the first criterion is met. Xian teaches the step wherein the quote update comprises a timestamp; comparing the quote update and the quote stored in the memory of the computer via a criterion; wherein the criterion is met if: the timestamp of the quote update

minus the timestamp of the quote stored in the memory of the computer greater than a predetermined threshold time; and modifying the quote stored in the memory of the computer if the criterion is met (col. 6, lines 19-23; col. 8, lines 8-27; col. 5, lines 24-28). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Anaya to include the aforementioned steps as taught by Xian. One would have been motivated to do this in order to differentiate between an updated quote and previous quote.

Claims 4, 5, 13, 14, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anaya in view of Xian and further in view of DaCosta et al. (U. S. Patent No. 6826533) (DaCosta)

Re claim 4, 5, 13, 14, 26 and 27: Anaya and Xian are as discussed above. Anaya and Xian do not explicitly teach modifying one or more quote display format settings associated with the quote, wherein the quote display format comprises a font color setting, a font size setting, or a font style setting. DaCosta teaches modifying one or more quote display format settings associated with the quote, wherein the quote display format comprises a font color setting, a font size setting, or a font style setting (col. 6, lines 14-31). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Anaya and Xian to include the aforementioned steps as taught by DaCosta. One would have been motivated to do this in order to present the user with a font attribute that changes when a quote is updated.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

**VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
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